

# COMPEX

Tomorrow's Solutions TODAY

## SUBPOENA FOR RECORDS ENCLOSED

**Attn: Custodian of Records**

U.S. Environmental Protection Agency  
1445 Ross Avenue  
Fountain Place 12th Floor, Suite 1200  
Dallas, TX 75202  
FAX:

**CONTACT INFORMATION:**

877-223-1929 – Phone  
888-531-2916– Fax

**COMPEX ORDER NO.**

F86606

**RECORDS OF:**

City of Sulphur, Springs, Texas  
(SSN: , DOB: )

**RUSH**

**WHAT IS REQUESTED:**

All sewer system evaluation surveys, infiltration analysis reports, administrative orders, consent decrees, and/or any records related to the City of Sulphur Springs, Texas and/or its sewer system for the years 2005 to the present

**INSTRUCTIONS:**

1. Compile all records as requested above.
2. Prepare and SUBMIT FOR APPROVAL an invoice for the complete cost related to the completion of this request. ***Compex reserves the right to refuse any invoice submitted AFTER receipt of records, without prior notice and approval of fees.***

### **PLEASE SUBMIT INVOICES TO 888-531-2916**

3. If NO RECORDS, please contact the representative listed above immediately.
4. Upon invoice approval and/or payment, make a copy of the requested records and complete, sign and have notarized the attached Questions. ***Compex will arrange to have a notary public notarize the documents if you do not have a Notary Public available to you.***

**Please mail records and notarized questions to:**

**COMPEX LEGAL SERVICES, INC.  
3201 CHERRY RIDGE, SUITE B207  
SAN ANTONIO, TEXAS 78230**

Please forward a copy of this letter with all correspondence to COMPEX.

**DEPOSITION SUBPOENA TO TESTIFY OR PRODUCE DOCUMENTS OR THINGS**

**The State of Texas, County of Hopkins**

To any Sheriff or Constable of the State of Texas or other person authorized to serve subpoenas under RULE 176 OF T.R.C.P. - **GREETINGS - YOU ARE HEREBY COMMANDED TO SUBPOENA AND SUMMON THE FOLLOWING WITNESS(ES):** Custodian of Records for:

**U.S. Environmental Protection Agency**

to be and appear before a Notary Public of my designation for Compex Legal Services, Inc. 3201 Cherry Ridge Drive, Suite B207, San Antonio, TX 78230-4825 or its designated agent, on the forthwith day of Instantanr 2014 at the office of the custodian and there under oath to make answers of certain written questions to be propounded to the witness and to bring and produce for inspection and photocopying a true and correct copy of : **"All sewer system evaluation surveys, infiltration analysis reports, administrative orders, consent decrees, and/or any records related to the City of Sulphur Springs, Texas and/or its sewer system for the years 2005 to the present"**, at any and all times whatsoever, then and there to give evidence at the instance of the *Defendant*, SS Seniors, LLC, represented by Luke G. Radney, in that certain Cause No. CV 41232, pending on the docket of District Court of the 62nd Judicial District of Hopkins County. This Subpoena is issued under and by virtue of Rule 200 and Notice of Deposition Upon Written Questions on file with the above named court, styled

FRANCISCO MELENDEZ, JR. AND MARIA CONTRERAS,  
INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE  
OF FRANCISCO MELENDEZ, DECEASED

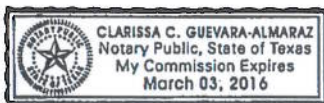
vs.

RUMSEY SITE CONSTRUCTION, LLC, SS SENIORS, LLC,  
AND ACCENT DEVELOPERS, LLC

and there remain from day to day and time to time until discharged according to law. Pursuant to **176.8 Enforcement of Subpoena**. (a) **Contempt**. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.

Pursuant to **HIPAA§164.512(e); RULES 176 AND 200, TEXAS RULES OF CIVIL PROCEDURE** this subpoena is issued in accordance with and by virtue of a notice duly served and on file with the above named court, and falls under exception to confidentially, **RULE 509(e)(4), TEXAS RULES OF EVIDENCE, HIPAA** Verification attached and incorporated fully herein.

**WITNESS MY HAND, This 30th day of December, 2014**



*Clarissa Guevara*  
Notary Public

**OFFICER'S RETURN**

Came to hand this 31 day of December, 2014, at 4 A.M. P.M. and executed this by delivering same to the within named witness \_\_\_\_\_, all fees have been tendered in accordance with the T.R.C.P.

Service by: ☒ Hand Delivery  
☐ Certified Mail  
☐ Other: \_\_\_\_\_

\_\_\_\_\_  
Witness Signature of Receipt and  
Acceptance of Subpoena

*[Signature]*  
Officers Signature

Order No. F86606



FRANCISCO MELENDEZ, JR. AND MARIA CONTRERAS,	§	IN THE DISTRICT COURT OF
INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE	§	
OF FRANCISCO MELENDEZ, DECEASED	§	
vs.	§	HOPKINS COUNTY, TEXAS
RUMSEY SITE CONSTRUCTION, LLC, SS SENIORS, LLC,	§	
AND ACCENT DEVELOPERS, LLC	§	
	§	62ND JUDICIAL DISTRICT

**NOTICE OF INTENTION  
TO TAKE DEPOSITION BY WRITTEN QUESTIONS**

To Plaintiff(s) by and through their attorney(s) of record: **Larry C. Blount and Carmen Shane Mitchell**  
To other party/parties by and through their attorney(s) of record: **J. Robert Miller, Jr., T. Craig Sheils and C. Thomas Valentine**

You will please take notice that twenty (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of Custodian of Records for:

**U.S. Environmental Protection Agency (Records)**

Before a Notary Public for:

**Compex Legal Services, Inc. (210) 646-6424 Fax (210) 599-7621  
3201 Cherry Ridge Drive, Suite B207 , San Antonio, TX 78230-4825**

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rules 176 and 200, Texas Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce **All sewer system evaluation surveys, infiltration analysis reports, administrative orders, consent decrees, and/or any records related to the City of Sulphur Springs, Texas and/or its sewer system for the years 2005 to the present** and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

**Luke G. Radney  
Burt Barr & Associates, L.L.P.  
P.O. Box 223667  
Dallas, TX 75222-3667  
(214) 943-0012 Fax (214) 943-0048  
Attorney for Defendant  
State Bar # 24058061**

*Luke G. Radney*

FRANCISCO MELENDEZ, JR. AND MARIA CONTRERAS,	§	IN THE DISTRICT COURT OF
INDIVIDUALLY AND AS REPRESENTATIVES OF THE	§	
ESTATE OF FRANCISCO MELENDEZ, DECEASED	§	
vs.	§	HOPKINS COUNTY, TEXAS
RUMSEY SITE CONSTRUCTION, LLC, SS SENIORS, LLC,	§	
AND ACCENT DEVELOPERS, LLC	§	
	§	62ND JUDICIAL DISTRICT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Intention to Take Deposition upon Written Questions was served to the respective parties and/or attorneys of record by \_\_\_\_\_ certified mail, return receipt requested, or \_\_\_\_\_ hand delivery, or ☒ fax.

Dated: \_\_\_\_\_

12-24-14

By Permission \_\_\_\_\_

  
Luke G. Radney

Compex Order No. F86606

**ATTORNEYS OF RECORD**

Larry C. Blount  
Powers & Blount, LLP  
200 N. Jackson, P.O. Box 877  
Sulphur Springs, TX 75483 (903) 885-6506 Fax (903) 885-1199  
Attorney for Plaintiff

J. Robert Miller, Jr.  
Miller & Brown, L.L.P.  
400 South Ervay Street  
Dallas, TX 75201-5513 (214) 748-7600 Fax (214) 204-9134  
Attorney for Defendant

Carmen Shane Mitchell  
Mitchell, Goff & Mitchell LLP  
750 North St. Paul Street, Suite 1800  
Dallas, TX 75201 (214) 651-8218 Fax (214) 651-8506  
Attorney for Plaintiff

Luke G. Radney  
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Attorney for Defendant

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Sheils Winnubst PC  
1701 North Collins Boulevard  
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Richardson, TX 75080 (972) 644-8181 Fax (972) 644-8180  
Attorney for Defendant

C. Thomas Valentine  
Daw & Ray, LLP  
Capital One Plaza, 5718 Westheimer, Ste. 1750  
Houston, TX 77057 (713) 266-3121 Fax (713) 266-3188  
Attorney for Defendant

FRANCISCO MELENDEZ, JR. AND MARIA CONTRERAS, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF FRANCISCO MELENDEZ, DECEASED	§	IN THE DISTRICT COURT OF
	§	
vs.	§	HOPKINS COUNTY, TEXAS
RUMSEY SITE CONSTRUCTION, LLC, SS SENIORS, LLC, AND ACCENT DEVELOPERS, LLC	§	
	§	62ND JUDICIAL DISTRICT
	§	

**DIRECT QUESTIONS TO BE PROPOUNDED TO  
THE CUSTODIAN OF RECORDS FOR:**

**U.S. Environmental Protection Agency**

1. Please state your full name, occupation and official title.

Answer: \_\_\_\_\_

2. Please state by whom you are employed and the business address.

Answer: \_\_\_\_\_

3. Did you receive a subpoena for the production of All sewer system evaluation surveys, infiltration analysis reports, administrative orders, consent decrees, and/or any records related to the City of Sulphur Springs, Texas and/or its sewer system for the years 2005 to the present?

Answer: \_\_\_\_\_

4. Are the documents and or things pertaining to All sewer system evaluation surveys, infiltration analysis reports, administrative orders, consent decrees, and/or any records related to the City of Sulphur Springs, Texas and/or its sewer system for the years 2005 to the present, as outlined in the subpoena duces tecum, in your custody or subject to your control, supervision or direction?

Answer: \_\_\_\_\_

5. Have you provided copies of the documents and or things as listed in the subpoena, to be attached to this deposition? If not, why not?

Answer: \_\_\_\_\_

6. If you answered "yes" to question no. 5, are the documents and or things which you have provided true and correct copies of the originals?

Answer: \_\_\_\_\_

7. Were such documents and or things kept in the regular course of business of this facility?

Answer: \_\_\_\_\_



8. Was it in the regular course of business of this facility for a person with knowledge of the acts, events, conditions, or opinion recorded to make record or to transmit information thereof to be included in such record?

Answer: \_\_\_\_\_

9. Were the entries on these records made at or shortly after the time of the transaction recorded?

Answer: \_\_\_\_\_

10. Was the method of preparation of these records trustworthy?

Answer: \_\_\_\_\_

\_\_\_\_\_  
WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

FRANCISCO MELENDEZ, JR. AND MARIA CONTRERAS, INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF FRANCISCO MELENDEZ, DECEASED vs. RUMSEY SITE CONSTRUCTION, LLC, SS SENIORS, LLC, AND ACCENT DEVELOPERS, LLC	: : : : : : :	IN THE DISTRICT COURT OF  HOPKINS COUNTY, TEXAS  62ND JUDICIAL DISTRICT
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AFFIDAVIT OF NO RECORDS

Records Pertaining To: **City of Sulphur, Springs, Texas**

Type of Records: **All sewer system evaluation surveys, infiltration analysis reports, administrative orders, consent decrees, and/or any records related to the City of Sulphur Springs, Texas and/or its sewer system for the years 2005 to the present**

Before me, the undersigned authority, personally appeared \_\_\_\_\_, who, being by me duly sworn, deposed as follows: (Custodian of Records)

I, the undersigned, am the Custodian of Records for: **U.S. Environmental Protection Agency** am over eighteen (18) years of age, competent of making this affidavit and personally acquainted with the facts herein stated:

(a) That a thorough search of our files, carried out under my direction and control, revealed no records, as described above, which pertain to **City of Sulphur, Springs, Texas**

(b) It is to be understood that this does not mean that records do not exist under another spelling, another name or under another classification, but that with the information furnished to our office and to the best of our knowledge, no such records exist in our files.

\_\_\_\_\_  
AFFIANT (Custodian of Records)

SWORN TO AND SUBSCRIBED before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_